

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

PRUCO LIFE INSURANCE COMPANY,  
Plaintiff,

No. C 12-03527 WHA

v.

POOROUSHASB PARINEH, individually,  
AUSTIAG PARINEH, individually and as  
co-trustee of the Parineh Family  
Irrevocable Trust dated June 24, 1996  
("PFIT"), HORMOZ PARINEH,  
individually and as co-trustee of the PFIT,  
and KHASHAYAR PARINEH,  
individually and as co-trustee of the PFIT,

**REQUEST FOR RESPONSE**

Defendants.


In this interpleader action, a prior judge determined that a stay was warranted pending the appeal of the state-court criminal case in which defendant Pooroushab Parineh has been convicted of the murder of the owner of the policy in issue here (Dkt. No. 36). The California Court of Appeal affirmed Parineh's conviction. *People v. Pooroushashb Parineh*, No. A139246 (Sept. 28, 2015). Parineh has petitioned for review of his conviction by the California Supreme Court, which petition remains pending.

Section 252 of the California Probate Code precludes a named beneficiary of a life insurance policy who "feloniously and intentionally kills" the person upon whose life the policy is issued from receiving any benefit under such policy. Section 254 provides that a "final judgment of conviction is conclusive" for the purposes of Section 252. In the absence of a final judgment of conviction, the Court may determine the issue by a preponderance of the evidence.

1 Here, Parineh's conviction has been affirmed on appeal. Only discretionary review of  
2 the appeal remains available. Accordingly, the Court is inclined to lift the stay. By **JANUARY**  
3 **6, 2016**, the parties shall please file briefs **NOT TO EXCEED EIGHT PAGES** addressing whether  
4 the decision of the California Court of Appeal constitutes a "final judgment of conviction"  
5 under Section 254 notwithstanding Parineh's petition for review by the California Supreme  
6 Court.

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8 **IT IS SO ORDERED.**

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10 Dated: December 23, 2015.

  
11 WILLIAM ALSUP  
12 UNITED STATES DISTRICT JUDGE  
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